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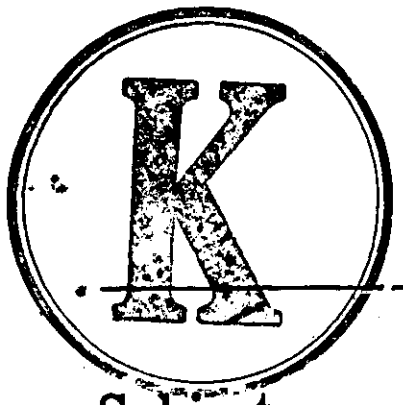
File No. S. O. (B. Br.).



Legal **DEPARTMENT**

B **BRANCH**

Subject:— Standing Orders relating to 'B' Br.

M&Ei
T. 28/3

File No. S. O. (B. Br.)/47

Std. Sectt. Slip 24 B e.

24-B

C O N T E N T S.

Legal Department File No. S.O. (B. Br.)/47.

Sr. No.	Compilation No.	Subject	Pages.
		Standing Orders relating to "B" Branch.	
(1)		Office Order regarding drafting & decisions of the Legal Dept.	1-2

Legal Department.

OFFICE ORDER.

In numerous cases the High Court is finding fault in no uncertain terms with our drafting and decisions. In fact it would almost appear that in the opinion of the High Court, Legal Department has almost ceased to inspire respect. Naturally the Hon'ble the Prime Minister and other Hon'ble Ministers are having a legitimate cause of resentment against Legal Department's method of work, shall I say a thoroughly perfunctory method of work. I cannot see any justification at all for any deviation whatsoever from the language of the section, rule etc. while drawing up notifications etc. under the respective section, rule etc. I am most anxious to see that our work should be so careful, and our checking so thorough, that all possible challenges to the action of Government taken on the advice of the Legal Department should be defeated in Courts of law. I therefore direct that the following measures shall be adopted in office with immediate effect, and let it be noted that any slackness in following them would entail serious consequences:

(1) Every notification, order, etc. should be issued invariably in the strict, exact terms of the section of the Act, authorising the issue of such notification, order, etc.

(2) Before any such notification, order, rule etc. is put up before the H.L.A., the office must carefully examine the vires of the matter and state expressly in its note that the proposal is intra vires. Not only should the Superintendent make such a note, but the Assistant Secretary or the P.A. concerned should also examine it, satisfy himself

personally about it and specifically add in his note that the virus has been examined, that the language has been compared with the section, rule etc. concerned and that the proposal is in order.

(3) Where there is the least doubt felt about the competency of the Provincial Government to do a certain thing, the proposal need not be mechanical accepted; but the difficulty if any in the position should be fully explained, leaving it to Government in the Administrative Department to decide whether or not to take the risk of possibly losing the matter in a court of law.

Id/- H. V. Vyas
29/1/47...

Bombay,
29th January 1947.

Secretary to Government, Legal Department, and Remembrancer of Legal Affairs, Bombay.

H.V./15-3.
4.2.